

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BILLY RAY TRATREE
Plaintiff

vs.

BP PIPELINES (NORTH AMERICA), INC.
and KELLY GLEASON

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C. A. NO. 03-0954

**AFFIDAVIT OF MONICA F. OATHOUT IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

STATE OF TEXAS

COUNTY OF HARRIS

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BEFORE ME, the undersigned, personally came and appeared Monica F. Oathout being duly sworn, deposed and stated as follows:

1. My name is Monica F. Oathout. I am over twenty one years of age, have never been convicted of a felony, and am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.

2. I am an attorney, duly licensed to practice in Texas. I am an attorney of record for Defendant BP Pipelines (North America), Inc. in this matter. I prepared Defendant's Motion for Partial Summary Judgment on Plaintiff's Damages ("the Motion").

3. Exhibit 1 to the Motion are true and correct copy of excerpts of the deposition of Billy Ray Tratree taken on April 14, 2004, February 15, 2005, and November 18, 2008. I attended the depositions and the excerpts accurately reflect the witness's testimony at the deposition. Mr. Tratree's deposition changes are also included.

4. Exhibit 2 to the Motion are true and correct copy of excerpts of the deposition of Kelly Gleason taken on February 17, 2005. I attended the deposition and the excerpts accurately reflect the witness's testimony at the deposition.

5. Exhibit 3 to the Motion are true and correct copy of excerpts of the deposition of Thad Toomer taken on March 16, 2005. I attended the deposition and the excerpts accurately reflect the witness's testimony at the deposition.

6. Exhibit 4 to the Motion is a true and correct copy of a letter sent to Billy Ray Tratree dated September 18, 2001, with his bumping options, and has been produced in this lawsuit.

7. Exhibit 5 to the Motion is a true and correct copy of the Transcript of Tape Recorded Conversation between Billy Ray Tratree and Frank Torres, and has been produced in this lawsuit.

8. Exhibit 6 to the Motion is a true and correct copy of the termination letter sent to Billy Ray Tratree, dated September 27, 2001, and has been produced in this lawsuit.

9. Exhibit 7 to the Motion are true and correct copy of excerpts of the deposition of Andre Parker taken on December 17, 2008. I attended the deposition and the excerpts accurately reflect the witness's testimony at the deposition.

10. Exhibit 8 to the Motion is a true and correct copy of the Court's Memorandum Opinion dated November 27, 2006 (Docket No. 131).

11. Exhibit 9 to the Motion are true and correct copies of the cross-examination of Billy Ray Tratree's trial testimony dated October 24, 2006.

12. Exhibit 10 to the Motion is a true and correct copy of the Amoco/ALF-CIO Local 4-100 Collective Bargaining Agreement.

13. Exhibit 11 to the Motion are true and correct copies of excerpts of the deposition of Bill White taken on January 14, 2009. I attended the deposition and the excerpts accurately reflect the witness's testimony at the deposition.

14. Exhibit 12 to the Motion are true and correct copies of Andre Parker's trial testimony dated October 26, 2006.

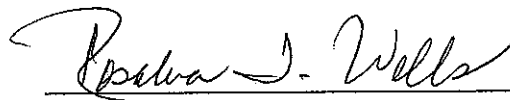
15. Exhibit 13 to the Motion are true and correct copies of Billy Ray Tratree's Tax Returns for the years 2002 through 2007 produced by Plaintiff in the course of this lawsuit.

Further Affiant Sayeth Not.


Monica F. Oathout

SUBSCRIBED AND SWORN to before me, the undersigned authority, on this 13th day of March, 2009.




Notary Public in and for the
State of Texas